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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 BARRY DWAYNE MINNFEE,) CASE NO. C07-0200-JLR
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 RUTH JONES, et al.,)
12 Defendants.)
13

14 Plaintiff has submitted to this Court for review a civil rights complaint under 42 U.S.C.
15 § 1983 and a motion seeking permission to file this “three strikes” § 1983 action *in forma*
16 *pauperis*. Plaintiff’s claims are difficult to discern. However, they appear to arise out of prior
17 rulings by the federal courts in New Orleans, Louisiana and Amarillo, Texas. Plaintiff identifies
18 as defendants in this action Ruth Jones, Case Analyst for the United States Supreme Court, and
19 William Sutter, Clerk of the United States Supreme Court. Plaintiff alleges that these two
20 individuals conspired with other courts and/or court employees. Plaintiff does not identify the
21 precise nature of the alleged conspiracy nor does he identify the federal constitutional rights
22 allegedly violated by the conduct of these individuals.

01 While plaintiff's claims are not entirely clear, it is clear that none of the events giving rise
02 to those claims occurred in the Western District of Washington. It is also clear that none of the
03 named defendants resides in the Western District of Washington.¹ Accordingly, venue is not
04 proper in this District. *See* 28 U.S.C. § 1391(b). When a case is filed in the wrong district, the
05 district court "shall dismiss, or if it be in the interest of justice, transfer such case to any district
06 or division in which it could have been brought." 28 U.S.C. 1406(a). It would not be in the
07 interests of justice to transfer this action because plaintiff has not adequately alleged in his
08 complaint any viable cause of action under §1983, because it is not entirely clear which district
09 would be the proper district to receive a transfer, and because transferring the action might allow
10 plaintiff to circumvent filing requirements imposed upon him by other federal district courts.

11 For the foregoing reasons, this Court recommends that plaintiff's § 1983 complaint be
12 dismissed without prejudice to his filing his action in an appropriate venue. A proposed Order
13 accompanies this Report and Recommendation.

14 DATED this 20th day of February, 2007.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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22 ¹ In fact, it appears the only reason plaintiff filed the instant action in this District is to
circumvent filing restrictions imposed by other federal district courts.